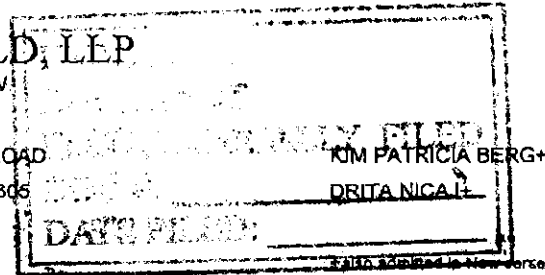


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August 7, 2008



VIA FACSIMILE

Honorable George A. Yanthis  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601Re: Sinkov v. Smith, et al.;  
07 Civ 2866 (CLB)(GAY)

Docket in case # CV/CR

As:

Date: 8/8/08

Dear Judge Yanthis:

Plaintiffs previously filed a motion to substitute the Estate of Hara Sinkov as a party pursuant to FRCP Rule 25. Mr. Sinkov also filed a Petition with the Putnam County Surrogate's Court as administrator for probate of Hara Sinkov's will and issuance of letters testamentary permitting him to continue the instant action on behalf of the Estate.

We are unclear as to when the letters will be issued by Surrogate's Court. We will of course notify Your Honor as soon as the letters are issued. At that time, we will submit a supplemental affidavit with a copy of the letters in further support of our motion for substitution.

Respectfully submitted,

Kim Berg

KB:nb

cc: James A. Randazzo, Esq. (via facsimile)  
Bernice Margolis, Esq. (via facsimile)  
Adam Kleinberg, Esq. (via facsimile)